

MEETING MINUTES  
OFFENDER REGISTRATION WORKING GROUP

DATE: November 6, 2007

TIME: 1:00 – 3:00PM

LOCATION: Kansas Department of Corrections, Wichita Parole Office

**Attendance:**

David Hutchings, Special Agent in Charge, Kansas Bureau of Investigation (KBI)

Erik Wood, Manager PS&I, KBI Offender Registration Unit

Shawna Hanrahan-Lowrey, SAS, KBI Offender Registration Unit

Kelly McPherron, Assistant Attorney General, KBI

Emily Adams, Deputy, Shawnee County Sheriff's Office

Amy Thiel, Supervising Officer, Wichita Parole

Al W. Deathe, Sergeant, Douglas County Sheriff's Office

David A. Riche, Judge, Butler County District Court

Melissa Purkepile, 13<sup>th</sup> Judicial District Community Corrections

Tyler C. Lockett, Honorable Supreme Court Justice, Kansas Supreme Court

Lisa Fleming, Supervising Officer, Johnson County Adult Probation

Mary Chambers, Kansas Department of Corrections (KDOC)

Amy Jackson, Lyon County Sheriff's Office

Tammy McClellan, Lyon County Sheriff's Office

Don Rourke, Lyon County Sheriff's Office

Gary Borstelman, Johnson County Sheriff's Office

Chris McNeil, U.S. Probation

Toni Corby, U.S. Probation

Loretta Wyrick-Severin, Kansas Meth Prevention Project

Michael Oliver, Captain, Sedgwick County Sheriff's Office

Minutes of the Meeting:

1. Erik Wood called the meeting to order and introduced himself as the Manager of the Offender Registration Unit (ORU) for the Kansas Bureau of Investigation. He provided a briefing of the last Working Group meeting and the remaining attendee's introduced themselves.
2. Copies of the ORWG Agenda, proposed Legislative changes to the Kansas Offender Registration Act (KORA) for 2008 were handed out to the attendees for review and open discussion.
3. SAC David Hutchings with KBI expressed the importance of the ORWG and that the common goal for the legislative session is to simplify the KORA and to address the loop holes in the current law.
4. SAC Hutchings further discussed the change of length of registration for Kansas registered offenders will most likely change to 15 years and Lifetime for registered offenders in Kansas in order to be compliant with the Adam Walsh Act.

5. Kelly McPherron addressed the entire body on the Legislative Changes for the 2008 Kansas legislative session. The main topics of discussion were the following:
- a) Definition of “residence” and “domicile.”
  - b) The courts obligation to make sure the offender completes his/her offender registration with in 3-Days of the date of conviction.
  - c) The topic of changing the punishment for non-compliance and failing to register from a level 5 person felony to a multi-level punishment grid for the courts, county attorneys and district attorneys to choose from in order to provide latitude for the prosecutor in plea bargaining. For example: 1<sup>st</sup> Failure to Register (FTR) conviction a level 7 person felony and mandatory 30-Days jail time. 2<sup>nd</sup> FTR conviction a level 6 person felony and mandatory 60-Days jail time. 3<sup>rd</sup> FTR conviction a level 5 person felony and mandatory 90-Days KDOC incarceration. No departure possible on the 3<sup>rd</sup> Conviction from the judge or courts. Presumptive prison for the 3<sup>rd</sup> or subsequent conviction. In similarity to the current DUI statute.
  - d) Duties of the Registered Offender KSA 22-4905: Offender shall complete their registration within a 3-Day period or upon the date of conviction. This will bring the state of Kansas in compliance with the AWA.
  - e) An offender who is homeless or a “transient” the responsibility of making sure the offender is compliant lies in the hands of the local sheriff’s office. Erik Wood, highlighted the importance of making sure that all offenders update their offender registration information and that NO agency should turn an offender away for non-payment of the \$20.00 fee.
  - f) Under the AWA all Juvenile registered offenders shall be required to register for 25 years or Lifetime and their registration information shall be open record under this federal act. In addition, with the AWA all adult offenders shall be eligible for mandatory “Open Record.”
  - g) Victim information regarding the victim’s date of birth and or age reported at the time of the offense is an essential element that needs to be included in all Journal Entries and Complaints in order to complete the offender registration assessment process.
6. Supreme Court Justice Lockett suggested that AAG Kelly McPherron change the wording to state, “that the presiding judge ensures that the offender completes his/her offender registration with in 72 hours upon the date of conviction. The philosophy of registration is to complete this objective

immediately upon conviction. To eliminate any loop holes of Failure to Register.

7. Judge Ricke posed the question of who is responsible to inform and make sure that the offender completes their registration? The word court is too broad and open for various interpretations. He suggested that the word court be defined as whose obligation/duty to make sure the offender is informed and registered appropriately.
8. AAG Kelly McPherron stated that she would make the suggested changes and send out via email an electronic copy of the requested changes and would take suggestions from the Working Group.
9. Judge Ricke suggested that some formal training and education be provided by the KBI to the district court judges and to the court service investigators prior to commencement of the change. Erik Wood and David Hutchings agreed that training should be provided to the judges and to courts services. Furthermore, Hutchings stated that the KBI will provide a published reference guide for the courts and all sheriff offices to utilize for offender registration purposes. It is to be noted that these "good practices" are just structured practices and a guiding reference in maintaining a successful registration program.
10. Drug offenders – Some agencies did oppose the addition of **KSA 65-4160** Unlawful acts relating to possession of opiates, opium, narcotic drugs or designated stimulants for personal use. The reason for opposition is based on lack of manpower and that some agencies are already over flooded with sex and violent offenders and are under staffed. However, the majority of the ORWG body was in favor of mandatory registration of Meth Cooks and "Mom/Pop" cooks for personal use. Based on the facts that any meth lab is a danger to society and a hazard to any community. The possibility of mandatory open records for all convicted drug offenders pre July 1, 2007.
11. Erik Wood provided a brief review of the up coming Multi Bi-state Sex Offender Summit that is scheduled for February 29, 2008. At this summit educational training shall be provided in cross agency groupings. For example, The Missouri Department of Corrections shall train Kansas law enforcement agencies, and the Kansas Department of Corrections and KBI ORU shall provide training to the Missouri law enforcement agencies. The Kansas Attorney General and the Governor of Kansas have been asked to be present at the summit. Adult and JJA Interstate compact from both Kansas and Missouri shall be present. The focus will be on education, training, policy issues, open communications between the two states, and clarification on topics of uncertainty as a group. (Make sure to invite Jeff Duncan with JJA Compact).
12. Proposed By-Laws – Deferred to next meeting
13. KBI Offender Registration website shall be up and running on or after December 1<sup>st</sup>, 2007.

14. Next ORWG Meeting: Date December 11, 2007 Time at 1:00PM Location – KBI ISD Annex in Topeka
15. Agenda for next meeting: Review of the minutes from the last meeting, Proposed By-Laws, Review the proposed changes of the Legislative laws and amendments for the 2008 session, and Multi Bi-state Sex Offender Summit.
16. Meeting Adjourned at 3:00PM.